

REMARKS

The present reply is submitted in response to the final Office Action dated January 6, 2009, which set a three-month period for response. Filed herewith is a Request for a Two-month Extension of Time, making this amendment due by June 6, 2009.

Claims 1, 3, 4, 6-11, and 15-19 are pending in this application.

In the Office Action, claims 1 and 6-11 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,202,768 to Harvey. Claims 1, 3, and 15-19 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,775,766 to Kooy. Claims 1 and 4 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,176,691 to Nelson.

The Applicant maintains that the cited references fail to disclose or render obvious the subject matter of the pending claims.

The present application relates to a device for locating metallic objects. This type of device is NOT disclosed in any portion of the Harvey reference.

The present invention is further characterized by the feature that electrical switching means are provided, which make it possible to vary the effective number of turns of the receive turn system in which electrical conductive modules are switched connected or disconnected. ***The number of turns of the receiving coil of the device of the present invention is therefore varied.***

The system of the present invention thereby has only a transmitting coil and a receiving coil, whereby the number of turns of the receiving coil can be varied by the connection of a further number of turns.

In contrast, Harvey discloses only individual coils 32a, 32b, or 32c (see in particular Figs. 3 or 4) are connected or disconnected. The number of turns of an individual coil CANNOT be varied.

The method of Harvey, which is illustrated explicitly in Fig. 7, different markedly and essentially from the method defined in the pending claims, in which only two coils are provided.

As can be seen in Figs. 2 and 3 and as disclosed in the specification in column 3, at line 28 of Harvey, no connection exists between coil 14 and coils 22 (or 32). The coils 22 or 32 are therefore not connected as a further number of turns of an individual end coil (in the present invention, relieving coil). In the Harvey system, further coils 22 or 32 are added to fixed coils 14 in order to produce a variable inductivity 20. This is very clear in Fig. 4, which clearly shows that the coils 32a, 32b and 32c are separated from one another and in addition, do not form a common coil system with the coil 14.

The present invention as defined in the independent claims is therefore not anticipated by Harvey, since Harvey fails to disclose at least the above features of the invention.

Harvey also does not render obvious the present invention, since this reference provides no suggestion of a receiving coil system, that is, equalizing an individual receiving coil by connecting or disconnecting individual turns/windings of this coil to the transmitting coil. Harvey would merely lead the practitioner to ground or connected one or more coils, respectively, in order to change the inductivity of a coil (see for example also column 1, lines 64-66 of Harvey).

In addition, Harvey only shows an oscillating or resonant circuit, however, NOT a device for locating metallic objects with a transmit coil and a receive coil, as defined in the present claims.

Likewise, the Kooy reference fails to disclose or suggest all of the features of the pending claims. Kooy, like Harvey, also does not disclose or suggest that ***the number of turns of the receiving coil of the device of the present invention is therefore varied***

Because the claims include features that are not disclosed or suggested by the cited reference, the rejections under Section 102 must be withdrawn. Because claim 1 as amended includes features that are not disclosed by any of the references, the rejection under Section 102 cannot stand. MPEP section 2131, last paragraph, states that “a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference”, and that “the identical invention must be shown in as complete detail as is contained in the ... claim”. A prior art reference anticipates a claim only if the reference discloses every limitation of the

claim. Absence from the reference of any claimed element negates anticipation.

Row v. Dror, 42 USPQ 2d 1550, 1553 (Fed. Cir. 1997).

The application is believed to be in condition for allowance. Action to this end is courteously solicited. However, should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Striker", written over the printed name.

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